

1 ROLAND TANNER  
 2 PRO SE  
 3 1168 Sparta Crest Street  
 4 Henderson, NV 89052  
rolandstanner@gmail.com  
 714-335-7602

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
APR 20 2022	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

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 6 **UNITED STATES DISTRICT COURT**  
 7  
 8 **NEVADA**

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 10 **SECURITIES AND EXCHANGE**  
 11 **COMMISSION,**

12 Case No.: 2:22-cv-00612

13 Plaintiff,

14 DEFENDANT ROLAND TANNERS  
 15 OPPOSITION TO THE REQUEST TO  
 16 FREEZE ASSETS, PRELIMINARY  
 17 INJUNCTION, TEMPORARY  
 18 RESTRAINING ORDER

19 vs.

20 DEFENDANTS ROLAND TANNERS  
 21 REQUEST FOR LEAVE TO FILE HIS  
 22 RESPONSE ON APRIL 20, 2022

23  
 24 MATTHEW WADE BEASLEY;  
 25 BEASLEY LAW GROUP PC;  
 JEFFREY J. JUDD; CHRISTOPHER  
 R. HUMPHRIES; J&J CONSULTING  
 SERVICES, INC., an Alaska  
 Corporation; J&J CONSULTING  
 SERVICES, INC., a Nevada  
 Corporation; J AND J PURCHASING  
 LLC; SHANE M. JAGER; JASON M.  
 JONGEWARD; DENNY SEYBERT;  
 and ROLAND TANNER;

1 Defendants,

2  
3 THE JUDD IRREVOCABLE TRUST;  
4 PAJ CONSULTING INC; BJ  
5 HOLDINGS LLC; STIRLING  
6 CONSULTING, L.L.C.; CJ  
7 INVESTMENTS, LLC; JL2  
8 INVESTMENTS, LLC; ROCKING  
9 HORSE PROPERTIES, LLC; TRIPLE  
THREAT BASKETBALL, LLC;  
ACAC LLC; ANTHONY MICHAEL  
ALBERTO, JR.; and MONTY CREW  
LLC;

10  
11 Relief Defendants.

12  
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15  
16 **REQUEST FOR LEAVE TO FILE OF ONE ADDITIONAL DAY**

17  
18 Mr. Tanner requests that the Court grant him leave to file this response from  
19 April 19, 2022 to April 20, 2022 as he is appearing Pro Se at this time and does not  
20 have access to electronic filing. Mr. Tanner is seeking counsel but given the  
extremely limited time and the asset freeze he has been unable to obtain an Nevada  
21 based attorney within the window of just three business days. Mr. Tanner has  
attempted to reply to the SEC's moving papers in a reasonable time but given the  
22 overwhelming demands he is asking the Court to accept his objections concerning  
the asset freeze at this time. Mr. Tanner is seeking to find an attorney going  
23 forward but needed more than the three busienss days he was given.  
24  
25

## INTRODUCTION

The SEC has made a request of this Court to freeze all assets and impose upon Roland Tanner immediate discovery orders and a preliminary injunction without demonstrating that Mr. Tanner has done anything more than be tangentially connected to the scam perpetrated by Mr. Beasley. The sole basis of the SEC's claim appears to be the assertion that because they have alleged that he sold securities in violation of 15 U.S.C. 15(a)(1) all of Mr. Tanner's assets should be frozen, he should be subjected to extreme discovery demands, and a preliminary injunction. In order to accomplish this, they have substituted credible evidence (if any) against Mr. Tanner specifically, by simply using the term "defendants" as a method of lumping together Mr. Tanner into every action of everyone else within their moving papers.

The basic accusation of the SEC against Tanner seems to be that because Mr. Beasley created a Ponzi scheme, and pulled people into that scheme, anyone involved, no matter the level of participation, must somehow be as sinister and devious as Mr. Beasley and therefore should be placed under extraordinary and onerous limitations i.e., the freezing of all assets and the ability of Mr. Tanner to perform even the most basic of life's activities. They do this without producing a single shred of evidence suggesting that the 65-year-old retiree is suddenly planning the mass migration of his limited assets to unknown locations beyond the reach of this Court. Furthermore, they make zero indications of how much Mr. Tanner received for his alleged involvement nor how much he personally lost to the Beasley scam. Instead, they seek a blanket request to control every aspect of Mr. Tanner's financial assets and immediate action without time to properly gather and submit to their requests.

1 Mr. Tanner is asking this court to:

2

3 1. Reject the SEC request for an asset freeze.

4 2. Deny the request for a Preliminary Injunction and Temporary Restraining

5 Order.

6 or

7 3. In the alternative, to grant a modified Order which freezes substantial

8 assets and grants Mr. Tanner a reasonable time to respond.

9 Mr. Tanner does not object to the SEC request for an Order as set forth in

10 Section VII (sale of any security), nor Section XII (destruction of documents). Mr.

11 Tanner requests that the expedited discovery request be reasonable and grant a

12 minimum of 10 day notice for depositions and a reasonable scheduleable for all

13 other productions.

14 This opposition is based upon these papers and any arguments made at the

15 time of the hearing.

16 **OPPOSITION TO THE REQUEST TO FREEZE ASSETS OF**  
**ROLAND TANNER AND INJUNCTION**

17 The power to freeze assets and the guidelines employed by the Court are

18 long-standing powers which Mr. Tanner does not dispute. In their most basic

19 form, the Court can consider the following when determining a request by the SEC

20 to freeze assets:

21

22 1. The likelihood of success on the merits.

23 2. The likelihood of dissipation of claimed assets or the inability to recover

24 monetary damages if relief is not granted.<sup>1</sup>

25 <sup>1</sup> *Johnson v. Couturier*, 572 F.3d 1067, 1085 (9th Cir. 2009)

- 1 3. The disadvantages and possible deleterious effects of a freeze as weighed
- 2 against the considerations indicating the need for such relief.<sup>2</sup>
- 3 4. A concern that the defendant will dissipate the assets within the
- 4 defendant's control or will transfer the assets beyond the jurisdiction of
- 5 the United States.<sup>3</sup>
- 6 5. The injunction should not be overly broad noting that the Court has wide
- 7 discretion and latitude in determining the scope of such an injunction.<sup>4</sup>

## 8 CLAIMS OF SUCCESS ON THE MERITS

9 The SEC, in its complaint, alleges that Mr. Tanner “solicited dozens

10 of investors to invest in the purchase agreements and received transaction-

11 based compensation in return” and “that Tanner worked “under Jager”

12 soliciting investments in the purchase agreements.” The complaint goes on

13 to suggest that Tanner raised “over \$50 million” but makes no mention of

14 how much, if any, of that money was ever under the control or even received

15 by Tanner. In fact, all indications are that at worst Mr. Tanner acted as an

16 unregistered broker or dealer who directed potential investors to Beasley and

17 in exchanged received a fee for services. No mention in any of the SEC’s

18 paperwork indicates how much money Mr. Tanner ever received for his

19 work.

20 The primary point of the SEC is that because Mr. Tanner is not a

21 licensed broker or dealer that they are sure to win on the merits.<sup>5</sup> Assuming

22 for a moment this may be true, what they fail to indicate to the Court is what

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22 <sup>2</sup> *F.T.C. v. Evans Prod. Co.*, 775 F.2d 1084, 1088 (9th Cir. 1985)

23 *S.E.C. v. Manor Nursing Centers, Inc.*, 458 F.2d 1082, 1105 (2d Cir. 1972) *Noted as instructive.*)

24 <sup>3</sup> *Republic of the Philippines v. Marcos*, 862 F.2d 1355, 1364 (9th Cir. 1988)

25 <sup>4</sup> *High Sierra Hikers Ass'n v. Blackwell*, 390 F.3d 630, 641 (9th Cir. 2004)

<sup>5</sup> Please note that the do not claim him to be a part of the fraud in terms of scienter.

1           they would win. Liability is only one variable in ones bid for success on the  
 2           merits, the other is the damages. Given the state of the law under Liu v.  
 3           SEC<sup>6</sup> demonstrating success of a financial victory requires more than just a  
 4           showing that Mr. Tanner may have liability. In the instant matter the SEC  
 5           gives the Court no credible evidence nor even an indication of what they  
 6           would gain should they prevail. They simply want to freeze everything,  
 7           throw Mr. Tanner's life into a full upheaval, and then figure it out some  
 8           undisclosed time in the future.

## 9           **LIKELIHOOD OF DISSIPATION OR INABILITY TO RECOVER**

10           The purpose of an asset freeze is to assure the Court that the target  
 11           individual will not suddenly dissipate, destroy, convert, or transfer assets out of the  
 12           reach of the Court. A party seeking an asset freeze must show the likelihood of  
 13           dissipation of the claimed assets, or an inability to recover monetary damages if  
 14           the relief is not granted.<sup>7</sup> Mr. Tanner would like to be able to debate the evidence  
 15           put forward by the SEC that he will dissipate assets but in the enormity of the  
 16           SEC's moving papers Tanner could not find any evidence of what will be  
 17           dissipated, how he plans to make such a dissipation, past indicators that he has  
 18           done anything to dissipate assets, nor any evidence of even the slightest hint of  
 19           maleficence by Tanner with any of his assets. The summation of the SEC claims  
 20           is that he somehow might, in an undisclosed manner, sudden abscond with all his  
 21           assets beyond the reach of the Court.

22           Mr. Tanner and his wife Alison are retirees who live on fixed income. Mr.  
 23           Tanner is 65, has no criminal history, did not formulate or create any portion of the  
 24           Beasley Scheme, and invested millions of his own money which is now lost.

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25           <sup>6</sup> *Liu v. SEC*, 140 S. Ct. 1936, 207 L. Ed. 2d 401 (2020)

7 *See, e.g., Conn. Gen. Life Ins. Co. v. New Images of Beverly Hills*, 321 F.3d 878, 881 (9th Cir. 2003).

1 There is no indication of a lavish lifestyle or excessive spending by Tanner. In  
2 what form of this sudden dissipation of assets will occur he could not even venture  
3 a guess.

4

5 **BALANCING THE NEED FOR A FREEZE AGAINST**  
6 **THE EFFECTS ON MR. TANNER**

7 In all cases the Court should balance the need for a freeze against the effects  
8 on Mr. Tanner. It is a clear concession of any logical thinking person that one goal  
9 of recovery in litigation should be the ability to pay once liability and damages  
10 have been determined. However, an asset freeze is an extreme measure that takes  
11 all that a person has, in every form, and tells them that they can literally do  
12 nothing. They cannot pay the mortgage or health insurance. They cannot pay car  
13 insurance, food costs, electricity, heating, or for daily expenses. They are placed at  
14 immediate risk of credit problems, the creation of debts, the inability to pay taxes,  
15 and much more. In order to take such draconian measures this Court should at  
16 least be given an indication of why such extreme measure should be instituted  
17 against Mr. Tanner. The SEC's exceedingly limited information, about why a  
18 freeze is needed against Mr. Tanner, fails to meet this standard. When measured  
19 against its potential damage to Mr. and Mrs. Tanner and the total devastation it  
will create, the balance weighs in the favor of denying such a complete freeze.

20

21 **DESTROYING, SELLING, OR TRANSFERRING ASSETS BEYOND THE**  
**REACH OF THE COURT**

22 The SCE bears the burden to show that Mr. Tanner is a risk for asset  
23 destruction, selling, or transferring assets beyond the reach of this Court or  
24 overseas. On this point the SEC has once again failed to present even the scantest  
25 information suggesting that Mr. Tanner has plans or abilities to suddenly transfer  
his assets. Upon this point they fail.

**1 THE COURT HAS BROAD LATITUDE IN DETERMING A SOLUTION**

2  
3 Mr. Tanner's net worth is the result of a life's honest labor. At the current  
4 moment he owns a home, where he has lived for seven years, with an estimated  
5 value of \$1,260,000.00 (1168 Sparta Crest, Henderson NV). It is under contract  
6 for this amount and was due to close on April 15, 2022. The net proceeds would  
7 have been approximately \$868,000.00. The SEC was informed of this sale.  
8 Additionally, Mr. Tanner was preparing to move into a home that was being  
9 renovated. The estimated value of that home is approximately \$2,600,000.00 (23  
10 Dry Brook Trail, Henderson, NV). The debt on that home is zero. Mr. Tanner  
11 proposes that the Court could order these homes to be frozen assets and that Mr.  
12 Tanner not be permitted to sell or transfer those assets absent a Court Order. This  
13 would ensure that approximately \$3,468,000.00 of Mr. Tanner's assets were frozen  
14 and unable to be transferred or dissipated. By all accounts, this amount appears to  
15 be more than enough to satisfy any judgement the SEC could claim. (Although it  
16 is again noted that the SEC has made no indication of what it claims are the  
17 potential damages that could be assigned to Mr. Tanner.) This type of resolution  
18 would, on balance, preserve assets and not create a total and undue disruption of  
the life of Mr. Tanner.<sup>8</sup> (See Exhibit 1)

**19 OTHER RELIEF**

20 The SEC has made claims for other forms of relief which include an order  
21 for accounting, expedited discovery, a prohibition on the destruction of documents,  
22 and limitations to Mr. Tanner's ability to sell securities. Mr. Tanner does not object  
23 to an accounting nor a reasonable expedited discovery requirement. He does not  
24 object to preserving all documents nor any prohibitions of selling securities of any  
type.

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25 <sup>8</sup> *Mr. Tanner has additional assets which have been given to the SEC in their recent demand.*

1 Mr. Tanner submits that the SEC has failed to show why an expedited  
2 discovery schedule should be required as there is no real risk of a loss of  
3 information at this point. However, in the spirit of reasonableness, Mr. Tanner  
4 simply requests that he be given a reasonable time of 30 days to accomplish this  
5 request. Primarily, this is to ensure that there is no privilege, nor in the extreme,  
6 some type of fifth amendment issues. Mr. Tanner has not committed any criminal  
7 violation, but prudence requires the analysis be accomplished prior to the turning  
8 over of any documents or making of any statements. Furthermore, it is always  
9 easy to make a demand, but the responses often require significantly more time to  
10 complete than the demand. Mr. Tanner only seeks a reasonable schedule to  
11 accomplish the discovery demand. Mr. Tanner asks this Court to set a schedule  
12 that allows him to obtain the required information, organize the accounting, verify  
13 its accurateness, produce required documents and comport with the Court's order.  
14 There is no desire to avoid discovery only a desire to be able to reasonably  
15 accomplish what is required. On the issue of depositions, Mr. Tanner asks the  
16 Court to grant a reasonable 10 days' notice of a deposition as opposed to the  
17 extreme demand of two days.

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19 Dated: April 19, 2022

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21 Roland Tanner  
22 Pro Se  
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11 **EXHIBIT 1**  
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1 This home is presented as a comparison. It is across the street from my home and  
2 is the same moake and model but does not have a view.  
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A Zillow real estate listing for a house in Henderson, NV. The listing shows a large, modern, single-story house with a circular driveway and a large front yard. The house has a light-colored exterior and a prominent front door. The listing price is \$2,495,000, with 5 bedrooms, 5 bathrooms, and 4,511 square feet. It is located at 28 Dry Brook Trl, Henderson, NV 89052. The property is under contract, with a Zestimate of \$2,471,400 and an estimated monthly payment of \$13,471. A note indicates that the home will sell faster than 89% of nearby homes. There are buttons for 'Contact Agent' and 'Take a Tour'. Below the main image, there are two smaller images showing the interior of the house: a living room with a fireplace and a kitchen area.

**Zillow** [Save](#) [Share](#) [More](#)

**\$2,495,000** 5 bd 5 ba 4,511 sqft

28 Dry Brook Trl, Henderson, NV 89052

• Under contract · Zestimate®: \$2,471,400

Est. payment: \$13,471/mo [Get pre-qualified](#)

We estimate this home will sell faster than 89% nearby.

Contact Agent [Take a Tour](#)

Overview Facts and features Home value Price and tax hist >

**Get pre-qualified for a loan**  
Talking to a lender early to get pre-qualified for a mortgage can give you an advantage in a competitive market.

**Get started today**

Zillow Group Marketplace, Inc. NARLS #1303160

28 Dry Brook Trl, Henderson, NV 89052

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## Closing Disclosure

### Closing Information

Date Issued 04/11/2022  
 Closing Date 04/14/2022  
 Disbursement Date 04/14/2022  
 Settlement Agent Lawyers Title of Nevada, Inc.  
 File # 31220308  
 Property 1168 Sparta Crest Street  
 Henderson, NV 89052  
 Sale Price \$1,260,000

### Transaction Information

Buyer Wolfgang Fischer and Mi Yoon  
 Seller The Tanner Family Trust dated March 20, 2015  
 1168 Sparta Crest Street  
 Henderson, NV 89052

### Summaries of Transactions

#### SELLER'S TRANSACTION

M. Due to Seller at Closing			\$1,261,414.25
01 Sale Price of Property			\$1,260,000.00
02 Sale Price of Any Personal Property Included in Sale			
03			
04			
05			
06			
07			
08			
Adjustments for Items Paid by Seller in Advance			
09 City/Town Taxes			
10 County Taxes			04/14/22 to 07/01/22 \$1,360.81
11 Assessments			
12			
13 HOA Dues			04/14/22-04/30/22 \$43.63
14 HOA Dues-Buyer Debit/Credit Seller			
15 Trash Service			04/14/22-05/01/22 \$9.81
16 Sewer Service			
N. Due from Seller at Closing			
01 Excess Deposit			\$392,782.25
02 Closing Costs Paid at Closing (J)			\$67,721.68
03 Existing Loan(s) Assumed or Taken Subject to			
04 Payoff of First Mortgage Loan to Evergreen Home Loan			\$322,841.07
05 Payoff of Second Mortgage Loan			
06			
07 Title Insurance Premium Adjustment			\$2,219.50
08 Seller Credit			
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Adjustments for Items Unpaid by Seller			
14 City/Town Taxes			
15 County Taxes			
16 Assessments			
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CALCULATION			
Total Due to Seller at Closing (M)			\$1,261,414.25
Total Due from Seller at Closing (N)			-\$392,782.25
Cash <input type="checkbox"/> From <input checked="" type="checkbox"/> To Seller			\$868,632.00

### Contact Information

#### REAL ESTATE BROKER (B)

Name AM REALTY  
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 NV License ID  
 Contact Tammy Truong  
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 Phone (702)518-2151

#### REAL ESTATE BROKER (S)

Name Realty One Group, Inc.  
 Address 2831 St Rose Pkwy #100  
 Henderson, NV 89052  
 NV License ID  
 Contact Linda Lee  
 Contact NV License ID S.0070638  
 Email lindalee1721@gmail.com  
 Phone (702)898-7575

#### SETTLEMENT AGENT

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 Suite 225  
 Las Vegas, NV 89135  
 NV License ID 3644  
 Contact Maria Maneva  
 Contact NV License ID 970908  
 Email maria.maneva@ltic.com  
 Phone 702-693-5110

### Confirm Receipt

The Tanner Family Trust dated March 20, 2015

BY:

Roland Tanner, trustee

BY:

Alison Tanner

Alison Tanner, trustee

Date:

4/11/22

CLOSING DISCLOSURE

Page 1 of 2 04/11/22 12:27 PM